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10/551,288

09/28/2005

George A. Brown

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EXAMINER

THOMPSON, KENNETH L

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Please find below and/or attached an Office communication concerning this application or proceeding.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte GEORGE A. BROWN

Appeal 2009-011153
Application 10/551,288
Technology Center 3600

Before: WILLIAM F. PATE III, JOHN C. KERINS, and
KEN B. BARRETT, *Administrative Patent Judges*.

PATE III, *Administrative Patent Judge*.

DECISION ON APPEAL¹

¹ The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the “MAIL DATE” (paper delivery mode) or the “NOTIFICATION DATE” (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

STATEMENT OF CASE

Appellant appeals under 35 U.S.C. § 134 from a rejection of claims 1-10. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

The claims are directed to a method to measure injector inflow profiles. Claim 1, reproduced below, is illustrative of the claimed subject matter:

1. A method usable with a wellbore, comprising:
 - stopping injection of fluid into a formation, the formation intersected by a wellbore having an uphole section uphole of the formation and a formation section within the formation;
 - observing temperature at least partially along the uphole section of the wellbore and at least partially along the formation section of the wellbore, while injection of fluid is stopped;
 - re-starting injection of fluid into the formation in response to observation of a temperature peak in the uphole section of the wellbore;
 - observing, while re-starting injection of fluid is occurring, the movement of the peaked temperature fluid as it moves from the uphole section of the wellbore and across the formation section of the wellbore; and
 - determining an inflow profile of the formation based on the movement of the peaked temperature fluid that is observed while re-starting injection of fluid is occurring.

REFERENCES

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Anderson	US 4,832,121	May 23, 1989
Williams	US 6,497,279	Dec. 24, 2002

REJECTIONS

Claims 1-9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Anderson. Ans. 3.

Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Anderson and Williams. Ans. 3.

OPINION

We have carefully reviewed the rejections on appeal in light of the arguments of the Appellant and the Examiner. As a result of this review we have reached the determination that the applied prior art does not establish the lack of novelty or the obviousness of claims 1-10. Therefore the rejections of these claims are reversed. Our reasons follow.

We agree with the Examiner that Anderson discloses stopping injection of fluid into a formation and observing temperature at least partially along the uphole section of the wellbore while injection of fluid is stopped. We further agree with the Examiner's finding that "observing", "monitoring", and "watching" are synonyms for the same process limitation. We further agree with the Examiner that Anderson contemplates that the fracture treatment can be conducted in stages with each stage comprising a pressure pulse, a rapid shut-in, and a waiting period to allow full development of a temperature v. depth profile. Anderson, col. 8, ll. 2-7. Based on this disclosure of Anderson, we further agree with the Examiner that Anderson discloses the step of restarting the injection of fluid into the formation in response to observation of a temperature peak in the uphole section of the wellbore. We also agree with the Examiner that it would have been obvious to utilize the fiber optic temperature sensing string of Williams in the process of Anderson.

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However, we agree with Appellant that the Examiner does not show the claimed step of observing the temperature peak as it moves toward and through the formation while injection is resumed. The written disclosure of Anderson is silent with respect to this step, and this step is not clearly shown on the graphical representation found in Figure 2 of Anderson. We further note that the Examiner has not made a finding that this behavior of the wellbore is inherent in the operation of Anderson. Accordingly, it is our conclusion that Anderson does not clearly disclose every step of Appellant's method claim 1 on appeal. Thus it is our finding that Anderson does not anticipate claims 1-9 nor render obvious claim 10 on appeal.

DECISION

The rejection of claims 1-9 under 35 U.S.C. § 102 is reversed.

The rejection of claim 10 under 35 U.S.C. § 103 is reversed.

REVERSED

nlk

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